UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,865	01/09/2006	Seiji Kondou	053537	1943

38834 7590 11/03/2009

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER	
BURKHART, ELIZABETH A	

ART UNIT	PAPER NUMBER
1792	

NOTIFICATION DATE	DELIVERY MODE
11/03/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary	Application No.	Applicant(s)	
	10/563,865	KONDOU ET AL.	
	Examiner	Art Unit	
	Elizabeth Burkhart	1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 August 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17,20 and 22-42* is/are pending in the application.

4a) Of the above claim(s) *37-42* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17,20 and 22-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 January 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 17, 20, and 22-42 are pending in the application. Amended claims 17 and 22 and cancelled claims 18, 19, and 21 have been noted. Claims 37-42 have been withdrawn from consideration. The amendment filed 8/14/2009 has been entered and carefully considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 27, 30-32 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent publication 2003-103211 (JP '211) in view of Japanese patent publication 2003-126768 (JP '768).

JP '211 discloses a process for producing a coated sheet, comprising the step of applying a coating solution containing a resin material and a solvent onto a substrate film to form a coating layer and the step of drying the applied coating solution, wherein dry wind is blown along the traveling direction of the film onto the surface of the coating layer (para 0015 -00118). Since photosensitive layers are disclosed, there is disclosed an optically functional layer and an optically compensating layer.

Regarding viscosity, it would have been obvious to one with ordinary skill in the art to include viscosity recitation because JP '211 teaches viscosity parameters as functionally significant (para 0010). The specific claimed viscosity of 20 mPa-s or less is considered a resultant effective parameter, obvious to one with ordinary skill in the art as optimized to specific required results in absence of criticality.

JP '211 does not disclose:

a solid content of 55% by weight or less;
specific layer ranges as claimed in claims 26 and 36.

JP '768 discloses a solid content of 55% by weight or less for drying of an optical film (para 0012), and specific layer ranges (para 0036).

It would have been obvious to one with ordinary skill in the art to include a solid content and specific layer range as claimed for the purpose of a specific drying result to obtain a useable and functional layer with desired operating parameters as taught in para 0037 to JP '768.

3. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '211 in view of JP '768 as applied to claims above, and further in view of DE 4342280 (DE '280).

JP '211 and JP '768 both do not disclose that the optically compensating layer forms a cholesteric layer.

DE '280 discloses optically compensating layers forms a cholestric layer (see English equivalent abstract).

It would have been obvious to one with ordinary skill in the art to include cholesteric layer for the purpose of providing alignment ability to layers for further desirable optical properties.

4. Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '211 in view of JP '768 as applied to claims above, and further in view of DE 4342280 (DE '280) and Japanese Patent publication 2001-314799 (JP '799).

DE '280 discloses what is described above, and further discloses polymerizing (see English equivalent abstract).

DE '280, JP '211 and JP '768 all do not disclose a liquid monomer.

JP '799 discloses liquid crystal (para 0002).

It would have been obvious to one with ordinary skill in the art to include a liquid monomer for the purpose of producing a type of optical compensation sheet for use in LCD devices.

5. Claims 17, 20, 22, 26, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '211 in view of JP '768 as applied to claims above, and further in view of Japanese Patent publication 2002-331267 (JP '267).

JP '211 and JP '768 both do not disclose the specific wind speed claimed in claims 18, 28 and temperature of the blown dry wind as claimed in claims 19, 29.

JP '267 discloses the specific wind speed and temperature of the blown dry wind (para 0009).

It would have been obvious to one with ordinary skill in the art to include the specific wind speed and temperature of the blown dry wind for the purpose of optimizing the drying effect as described in para 0009 to JP '267.

Regarding the recitations to specific parameters for scattering in width directions, such would have been obvious to one with ordinary skill in the art to include such for the purpose of decreased waste of coating material.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '211 in view of JP '768 and JP '267 as applied to claims above, and further in view of DE 4342280 (DE '280).

JP '211, JP '768, and JP '267 do not disclose that the optically compensating layer forms a cholesteric layer.

DE '280 discloses optically compensating layers forms a cholestric layer (see English equivalent abstract).

It would have been obvious to one with ordinary skill in the art to include cholesteric layer for the purpose of providing alignment ability to layers for further desirable optical properties.

7. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '211 in view of JP '768 and JP '267 as applied to claims above, and further in view of DE 4342280 (DE '280) and Japanese Patent publication 2001-314799 (JP '799).

DE '280 discloses what is described above, and further discloses polymerizing (see English equivalent abstract).

DE '280, JP '211 and JP '768 all do not disclose a liquid monomer.

JP '799 discloses liquid crystal (para 0002).

It would have been obvious to one with ordinary skill in the art to include a liquid monomer for the purpose of producing a type of optical compensation sheet for use in LCD devices.

Response to Arguments

8. Applicant's arguments filed 8/14/2009 have been fully considered but they are not persuasive. Applicant argues that the combination does not provide for dry wind directly blown along the traveling direction of the film. The examiner disagrees. JP '211 discloses that air is prevented from hitting the film from direction crossing at a right angle, but the air current (dry wind) can be regulated to the running direction of the film [0026]. Thus, JP '211 discloses dry wind directly blown along a traveling direction of the film.

Applicant argues that there is no viable reason for a skilled artisan to derive parameters, such as the solids content, viscosity, speed, and temperature claimed. The examiner disagrees. Regarding viscosity, JP '211 discloses that the coating solution

may have a viscosity of 0.7-1000 cp (0.7-1000 mPa s) which encompasses the claimed range. Further, it would have been obvious to optimize this range since JP '211 discloses that the viscosity is functionally significant [0024]. Regarding solids content, JP '768 discloses a solids content of 1-50% is used to deposit an optical film having uniform thickness distribution [0010]-[0012]. It would have been obvious to modify the process of JP '211 to use the solids content suggested by JP '768 in order to form an optical film having uniform thickness distribution, especially since both JP '211 [0002] and JP '768 [0002] relate to films for electronic displays. Regarding the speed and temperature, JP '267 discloses a suitable drying speed and low temperature for raising productivity while maintaining surface smoothness. The temperature is used to control the evaporation rate such that a uniform surface is obtained (Abstract, [0007]-[0009]). Thus, it would have been obvious to incorporate the speed and temperature suggested by JP '267 into the processes of JP '211 and JP '768 in order to raise productivity while obtaining a uniform surface, especially since both JP '211 and JP '267 relate to the same types of films. Thus, there is a viable reason for the skilled person to derive the parameters set forth in the claims.

Applicant argues that there is no viable reason whereby a skilled artisan could derive adjusting the air ventilation and shield to control wind speed for drying of the web since this is clearly not the purpose of the shield and air ventilation. The examiner disagrees. The shield is blocking air ventilation that would hit the web at a right angle while drying air can be regulated in the running direction of the web [0026]. Further, the drying air is regulated by an air current regulating means in the running direction of the

web [0007]. Thus, it would have been obvious that the drying air can be regulated at a certain wind speed using the regulating means, such as the speed disclosed in JP '267 for raising productivity, while the air ventilation is blocked from a direction crossing at a right angle to prevent influence of the air conditioning air.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Burkhart whose telephone number is (571)272-6647. The examiner can normally be reached on M-Th 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elizabeth Burkhart/
Examiner, Art Unit 1792

/Timothy H Meeks/
Supervisory Patent Examiner, Art Unit 1792